

In subsection (b) of this section, the phrase "even though" the killing was provoked is substituted for the former reference to "when" the killing was provoked for clarity. The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that the discovery of one's spouse engaged in sexual intercourse also does not constitute legally adequate provocation for mitigating a killing from murder to manslaughter when the killing is provoked by anything other than that discovery.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that the distinction between the general term of imprisonment available for a manslaughter conviction under subsection (a)(1) of this section and the term for imprisonment in a local correctional facility under subsection (a)(2) of this section is substantial, perhaps reflecting an implicit distinction between sentencing for voluntary and involuntary manslaughter. Generally, distinctions between imprisonment in a State or local correctional facility have been eliminated in light of CS §§ 9-104 and 9-105, which govern the place of custody based on the length of imprisonment imposed. The General Assembly may wish to clarify which situations warrant sentencing to a longer term in a State correctional facility or for a shorter term to a local correctional facility.

Defined terms: "Local correctional facility" § 1-101
 "Person" § 1-101

2-208. MURDER AND MANSLAUGHTER — CHARGING DOCUMENT.

(A) CONTENTS.

AN INDICTMENT FOR MURDER OR MANSLAUGHTER IS SUFFICIENT IF IT SUBSTANTIALLY STATES: "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) FELONIOUSLY (WILLFULLY AND WITH DELIBERATELY PREMEDITATED MALICE) KILLED (AND MURDERED) (NAME OF VICTIM) AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE."

(B) MANNER OR MEANS OF DEATH.

AN INDICTMENT FOR MURDER OR MANSLAUGHTER, OR FOR BEING AN ACCESSORY TO MURDER OR MANSLAUGHTER, NEED NOT SET FORTH THE MANNER OR MEANS OF DEATH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 616.

In subsection (a) of this section, the former word "aforethought" is deleted as implicit in the reference to "malice" as a prerequisite to one form of murder. *See Ross v. State*, 308 Md. 337 (1987).

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that on its face this section only applies to an "indictment" for murder, and not to any other charging document for murder, such as a criminal information.